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STATE FOR NEA/ARP AND G/TIP

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TAGS: [PHUM](#) [KTIP](#) [MU](#)

SUBJECT: DETAILS ON OMAN'S NEW ANTI-TRAFFICKING LAW

REF: A. MUSCAT 811

[1](#)B. MUSCAT 759

Classified By: Ambassador Gary A. Grappo for Reasons 1.4 (b/d)

Summary

[1](#)1. (C) Oman's new anti-trafficking in persons (TIP) law defines trafficking broadly, institutes significant penalties for offenders, provides for care and protection for victims, and establishes a National Committee to Combat Human Trafficking led by a government minister. Shaikh Abdullah al-Bakri, the Minister of Manpower, told the Ambassador that the proper care of workers and the successful implementation of the new anti-TIP law was an Omani "duty" since they were personally supported by Sultan Qaboos. Omani government officials have indicated that they will need on-going help and support to properly implement the law, although continuing sensitivities about TIP will necessitate a cautious approach in offering this assistance. End Summary.

Definition of Trafficking

[1](#)2. (U) After issuing Royal Decree 126/2008 on November 23 promulgating the "Law Combating Human Trafficking" (ref A), the full text of the law was published in Oman's Official Gazette on December 2. (Note: A complete translated copy of the law will be sent by e-mail to the G/TIP office and to the Oman desk at State. End Note.) In a broad legal definition, the legislation specifies as trafficking any effort to "recruit, transport, harbor, or receive a person by instruments of coercion, threat, deceit, blackmail or misuse of power, influence, or use of an authority on that individual, or by any other illegal instruments, either directly or indirectly, or to recruit, transport, harbor, or receive a child (defined as below 18 years of age) even without using the instruments cited above." The law further states that the consent of the victim shall not be a determining factor if any of the trafficking methods detailed above are used, if the victim was a child, or if there are any circumstances preventing a determination of free choice.

Penalties for Trafficking

[1](#)3. (U) The penalty for trafficking under the law is imprisonment for a minimum term of three years and a maximum term of seven years, as well as a monetary fine between 5,000 OR (Omani rials) (US\$13,000) and 100,000 OR (US\$260,000). These penalties increase to seven to 15 years in prison, and 10,000 OR (US\$26,000) to 100,000 OR (US\$260,000) in fines, if any of the following apply: the crime involved a child or a person with special needs, the perpetrator carried a weapon, the crime was committed by more than one person, the perpetrator was related to the victim, the crime was committed by a criminal gang, the perpetrator was a public sector employee, the crime was transnational, or the victim

suffered any permanent psychological or physical illness or injury. The law specifically states that no ruling may be made to stay a punishment or to provide a sentence less than the mandatory minimum.

¶4. (U) The law also criminalizes the failure to report TIP, the provision of assistance to perpetrators of TIP, and the threatening or bribing of potential witnesses in a trafficking case. Attempts to commit a trafficking crime are punishable in the same way as the completed crime.

Provisions for Victims

¶5. (U) The new law states that TIP victims must have their rights explained in a way that is understandable to them and be allowed to explain their situations to authorities. Victims, if needed, should be taken to the appropriate medical, psychological or shelter facilities. Victims or witnesses are also entitled to security protection and (if an expatriate) may be permitted to stay in Oman on a case-by-case basis. The law further states that victims shall be exempt from paying fees associated with a civil lawsuit if they file to claim compensation for damages.

National Committee to Combat Human Trafficking

¶6. (C) The law declares that the "National Committee for Combating Trafficking in Persons" will be established by a government cabinet decision and will be under the chairmanship of a minister. The law does not establish the

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membership of the committee. However, the new Minister of Manpower, Shaikh Abdullah al-Bakri, told the Ambassador in a December 2 meeting that committee membership should be announced in less than a month and predicted that the first meeting of the committee would take place after the Eid al-Adha. The Minister confided that the committee would be made up of members at the director-general or, as he preferred, the undersecretary level from a variety of ministries. According to al-Bakri, the ministries represented would likely include Manpower, Social Development, Justice, and others with the Ministry of Foreign Affairs chairing the committee. The Royal Oman Police would also have a seat.

¶7. (U) As provided by the law, the committee will: draft an action plan; coordinate with all concerned Omani authorities and relevant international organizations; establish a database of international legislation, studies and methods of trafficking; set-up systems for the care and rehabilitation of victims; conduct relevant studies and research; carry out media campaigns; propose rules and regulations to enhance border control; organize and conduct training for those involved in enforcing the law; draft periodic reports on trafficking; and suggest amendments to the law or any other relevant laws as needed.

Training Needed

¶8. (C) Al-Bakri praised his ministry's recent interactions with the International Labor Organization (ILO) and highlighted anti-TIP training that ILO instructors had conducted for new labor inspectors (ref B). (Note: The ILO program in Oman is USG-funded through the Middle East Partnership Initiative. End Note.) He acknowledged that Oman would benefit from on-going support from the U.S. and others with experience in this area. In a December 1 meeting with poloff, Ahmed al-Khusaibi, the Director of Training for the Public Prosecution Office, admitted to needing outside training for his organization's staff in order to adequately implement the new anti-TIP law. Although he was eager to schedule a workshop with U.S. support for early 2009 to train

prosecutors in investigative methods and other techniques to fight labor abuses including TIP, he said that it could not be called "anti-trafficking" training, as this term and topic were too "sensitive." He said that a stated focus on the implementation of labor law would be more amenable to officials involved with the proposed workshop.

Comment

19. (C) The new law as adopted is almost the same as an earlier draft that won approval from the USG-funded international expert that worked with Oman on the legislation. Accordingly, it has the necessary elements for a comprehensive approach to combating human trafficking in Oman and should meet international standards. The law reflects the government's desire to maintain a positive image on the international stage and finally acknowledges the government's need to effectively address trafficking in the Sultanate. Significant work will need to be done, however, to implement the law. Based on conversations with Omani officials, it appears this work will take place in a very deliberate and measured manner. Assistance from the USG, such as support for public prosecution training, could play a very useful role as Oman moves forward against TIP, although the continued sensitivity of this issue will require a deft touch. End Comment.
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